S T A T E O F N E W Y O R K

2185

2015-2016 Regular Sessions

I N A S S E M B L Y

January 15, 2015

Introduced by M. of A. GOTTFRIED -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to applications for determination of public need

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph (b) of subdivision 7 of section 3008 of the public health law, as amended by chapter 464 of the laws of 2012, is amended to read as follows:

(b) [In the case of an application for certification pursuant to this subdivision, for a municipal advanced life support or municipal ambulance service, to serve the area within the municipality, where the proposed service meets or exceeds the appropriate training, staffing and equipment standards, there shall be a strong presumption in favor of approving the application.] Notwithstanding any other provision of this article, any [city with a population of fourteen thousand seven hundred or sixty-two thousand two hundred thirty-five, according to the two thousand ten federal decennial census] MUNICIPALITY WITHIN THIS STATE, or fire district acting on behalf of any such [city] MUNICIPALITY, [that] WHICH applies for permanent certification pursuant to this [section] SUBDIVISION at the conclusion of the two year period [provided in] CONTAINED IN PARAGRAPH (A) OF this subdivision, shall not be required to apply to its regional emergency medical services council [or the state emergency medical services council] for a determination of need, and the application shall be submitted to and approved by the commissioner unless the commissioner finds that the municipal advanced life support first responder service or municipal ambulance service has failed to meet the appropriate training, staffing and equipment standards AND/OR THE COMMISSIONER DETERMINES THAT THE MUNICIPAL ADVANCED LIFE SUPPORT FIRST RESPONDER SERVICE OR MUNICIPAL AMBULANCE SERVICE HAS CAUSED A DETRIMENTAL IMPACT ON SERVICES IN THE SURROUNDING REGION.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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S 2. This act shall take effect immediately and shall apply to any municipality or fire district that has a temporary determination of public need and to any application made by a municipality or fire district that is currently in the administrative appellate process or on appeal before any court of competent jurisdiction.